

DEPARTMENT OF STATE REVENUE
Fiduciary Income Tax
LETTER OF FINDINGS NUMBER: 99-0249P through 99-0281P (inclusive)
For Calendar Year 1998

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The Trust protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer's Trust Tax Department filed the 1998 IT-41 without the inclusion of a check for payment. The department issued its billing for the tax due plus penalty and interest.

Taxpayer's Trust, in a letter dated May 20, 1999, submits that nothing more than a mistake had been made. The Trust states it hopes to continue to file timely with checks attached.

I. **Tax Administration** – Penalty

DISCUSSION

At issue is whether the taxpayer was negligent in failing to include a check with the filing of its IT-41. Taxpayer's letter dated March 20, 1999 protested the penalty and interest assessed.

Taxpayer's Trust failed to remit tax with the filing of its Fiduciary Income Tax Return. The penalty for delinquent payment is ten percent (10%) of the tax due. Taxpayer failed to timely pay its tax and has not provided reasonable cause for failing to do so. New employee involvement and the time spent with check processing are not considered reasonable cause.

FINDING

Taxpayer's protest is denied.

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